

## **30 May 2014 – Trial and Pre-trial conferences**

FREE STATE HIGH COURT

PRACTICE DIRECTION 1/2014

### **Setting down of Defended cases for trial and pre-trial conferences before a judge in terms of the Uniform Rule 37(8).**

1.1 After the close of pleadings any of the parties to an action may proceed to convene and finalize a Rule 37 conference without delay and with a view to applying for a trial date.

1.2 The party applying for the trial date must file the minute of the pre-trial conference or a certificate that due to lack of co-operation of the other party it has not been possible to hold such conference.

1.3 The minute must comply with Rule 37(6) and in addition contain the following:

- (i) Whether the parties have made discovery, and if not, when that will be done.
- (ii) Whether further particulars have been or will be requested.
- (iii) Whether expert notices and summaries have been delivered and if not, when that is to be done.
- (iv) Whether the experts have met.
- (v) What is the main point in issue at the trial?
- (vi) Estimated duration of the trial.

Formal pre-trial conferences envisaged in the Uniform Rule 37(8) will be held every Monday from 9h00 in court G before a Judge identified in the weekly rolls at which all matters wherein trial dates were applied for in the preceding week will be dealt with.

After conclusion of the pre-trial conference, the judge will determine whether a trial date should be allocated.

If the judge is not satisfied that a trial date can be allocated, the judge shall postpone the pre-trial conference to a fixed date and place the parties on terms to attend to outstanding issues.

No trial date will be allocated unless a judge has certified that it can be done.

Precedence on the roll of civil trials will be determined chronologically in accordance with the date of certification of the judge.

After the judge has certified that a trial date can be allocated, the registrar shall allocate a date and the party that applied for the trial date shall formally set the matter down for hearing by delivering a notice of set down and in the event of that party failing to do so, any other party may within three days deliver such notice of set down. In the event of no party delivering a notice of set-down within the aforementioned period, the case shall be removed from the term roll and the registrar shall be free to reallocate such date or dates to any other case

This Practice Direction shall apply for a trial period for the month of June 2014. The provisions of Rule 3 of the Local Rules of this division are suspended during the operation of this Practice Direction.

**MH RAMPAL, AJP**

**30 May 2014**